IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

AT CHATTANOOGA

BARRY LYNN MEALER
277 Claude Neal Lane
Blue Ridge, Georgia 30513

Plaintiff,

-vs- **Civil Action No. ______________**

PARKRIDGE MEDICAL CENTER, INC. ***Jury Trial Demanded***
d/b/a PARKRIDGE MEDICAL CENTER
One Park Plaza
Nashville, Tennessee 37203-6527

Agent for Service of Process:
CT Corporation System, Inc.
800 South Gay Street - Suite 2021
Knoxville, Tennessee 37929-9710

Defendant.

COMPLAINT

COMES the Plaintiff, Barry Lynn Mealer, and for cause of action against the Defendant, Parkridge Medical Center, Inc., alleges as follows:

I. Parties

1. The Plaintiff, Barry Lynn Mealer, is a citizen and resident of Blue Ridge Georgia, and resides at 277 Claude Neal Lane, Blue Ridge, Georgia 30513. At the time of this incident and at the time of the filing this action, Mr. Mealer was a citizen and resident, and was domiciled in the State of Georgia.

2. The Defendant, Parkridge Medical Center, Inc. d/b/a Parkridge Medical Center, owns and operates a hospital located at 2333 McCallie Avenue, Chattanooga, Hamilton County, Tennessee 37404. The agent for service of process for Parkridge Medical Center Inc. d/b/a Parkridge Medical Center is CT Corporation System, Inc., 800 South Gay Street, Suite 2021, Knoxville, Tennessee 37929-9710. Hereinafter the Defendant will be referred to as "Parkridge".

3. The venue of this action lies in Chattanooga, Hamilton County, Tennessee, where all negligent acts complained of occurred.

4. This action arises from the personal injury sustained by the Plaintiff, Barry Lynn Mealer, caused by the negligence of the Defendant, Parkridge, on June 30, 2015 in Chattanooga, Hamilton County, Tennessee.

5. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1332, based on diversity of citizenship of the parties. The Plaintiff is domiciled in a state different from the Defendant. The amount in controversy, exclusive of interest and costs, exceeds Seventy-Five Thousand ($75,000.00) Dollars.

6. Venue of this action lies in the Eastern District of Tennessee by virtue of 28 U.S.C. §1391(a).

II. Factual Background

7. On June10, 2015, Mr. Mealer was admitted to Parkridge as a transfer from Copper Basin Hospital. At that time, his chief complaint was watery diarrhea and hypertension (high blood pressure). Mr. Mealer was examined by a hospitalist and upon

neurological examination, it was noted he was neurologically intact. Upon admission, there was no indication of any neurological difficulties in Mr. Mealer's legs.

8. Upon admission to Parkridge, Mr. Mealer had numerous risk factors for falls. He was confused with impulsive behavior, he had impaired mental status, he was disoriented, his gate was unsteady, he was taking high risk medication, and he had diarrhea. At the time of his admission, Mr. Mealer was at very high risk to fall.

9. The nursing staff at Parkridge should have assessed Mr. Mealer at every shift change to determine his fall risk. Mr. Mealer's risk factors for falling did not change between the time of his admission and June 30, 2015.

10. After his admission to Parkridge, Mr. Mealer continued to be confused and tried to get out of bed without assistance.

11. Despite Mr. Mealer's very high fall risk status, ineffective and inadequate fall risk precautions were taken by the nursing staff at Parkridge.

12. In the early morning hours of June 30, 2015, Mr. Mealer was found on the floor attempting to ambulate to the bedside commode

13. The nursing staff failed to document the details of the fall and failed to contact a physician in a timely manner to advise of the fall. The nursing staff also failed to contact Mr. Mealer's family to notify them of the fall.

14. Mr. Mealer was not sent for x-rays until the afternoon of June 30, 2015.

15. Following the fall, Mr. Mealer's abdomen was noted to be distended. A bladder scan noted Mr. Mealer's bladder was full and a Foley catheter was placed.

16. After the fall on June 30, 2015, Mr. Mealer developed weakness in his legs and could no longer walk. He continued to be unable to walk until his discharge from Parkridge on July 6, 2015.

17. Following the fall, Mr. Mealer was moved closer to the nurse's station and a bed alarm was placed.

18. On July 6, 2015, Mr. Mealer was discharged from Parkridge and taken to a rehabilitation facility. While Mr. Mealer was in the rehabilitation facility, he continued on a Foley catheter and was unable to walk. Physical therapy felt that Mr. Mealer needed to be seen by a neurologist.

19. On July 14, 2015, Mr. Mealer was taken to the Fannin Emergency Department and a CT scan of his thoracic spine revealed compression fractures in his thoracic spine, causing spinal cord impingement.

20. Mr. Mealer was transported by ambulance to Erlanger Medical Center where he was examined and found to be a paraplegic. He was placed on spinal cord precautions and taken to surgery for spine stabilization. At surgery it was noted that Mr. Mealer's lower extremities were plegic with decreased sensation about the navel and to the lower extremities. Mr. Mealer had very extensive spinal surgery to stabilize his spine.

21. Mr. Mealer continues to have severe weakness in his legs and is unable to walk without assistance. He remains unable to care for himself and is still in a rehabilitation facility.

III. Wrongs Complained
of
Parkridge Medical Center, Inc.

22. From and after June 10, 2015, up and until July 6, 2015, there existed a hospital-patient relationship between Parkridge and Mr. Mealer.

23. Parkridge provided various employees and/or real or apparent agents who rendered care to Mr. Mealer from June 10, 2015 up and until July 6, 2015, all of who were acting within the course and scope of their employment or agency (real or apparent) at the time of their care and treatment of Mr. Mealer.

24. Parkridge is liable for any negligent medical care and treatment by actual or apparent agents and/or employees of Parkridge, and is liable for any negligent acts and/or omissions of any actual or apparent agents or employees of Parkridge. Any negligence of any of the employees and/or real or real or apparent agents is as a matter of law imputed to Parkridge.

25. All nurses, technicians and other medical personnel who provided care to Mr. Mealer at Parkridge were selected by Parkridge.

26. All nurses, technicians and other medical personnel who provided care for Mr. Mealer were either employees of or agents of Parkridge.

27. Mr. Mealer believed all nurses, technicians and other medical personnel who provided any care to him while he was in the hospital were employees or agents of Parkridge.

28. Each employee, agent or apparent agent of Parkridge who provided care for Mr. Mealer, was acting within the course and scope of his/her employment or agency for,

or were acting on behalf of Parkridge at any and all times care was provided to Mr. Mealer.

29. The Defendant, Parkridge, acting through its employees or real or apparent agents, was negligent in failing to exercise reasonable care in accordance with acceptable professional practice required and expected concerning the care it provided to Mr. Mealer during his hospitalization at Parkridge. Without limiting this general allegation of negligence, the Defendant, Parkridge, was negligent in the following ways:

a. Negligently did not provide appropriate and reasonable medical care to Barry Lynn Mealer;

b. Negligently did not observe the recognized standards of acceptable professional practice required and expected;

c. Negligently mismanaged and/or caused the mismanagement of Mr. Mealer;

d. Negligently did not properly assess and monitor the very serious fall risk that Mr. Mealer posed upon admission to Parkridge and during his hospitalization;

e. Negligently did not have in place appropriate protocols and/or appropriate interventions to prevent patients such as Mr. Mealer, who were at very high risk to fall, from falling while hospitalized at Parkridge;

f. Failed to appropriately monitor Mr. Mealer so as to prevent him from falling on June 30, 2015;

g. Negligently failed to act through its employees to institute appropriate fall interventions before June 30, 2015 to prevent Mr. Mealer from falling on that date;

h. Failed to have the appropriate protocols and/or policies in place to prevent falls;

i. Negligently did not notify Mr. Mealer's physicians of his fall shortly after it occurred;

j. Negligently did not adequately communicate with the physicians concerning Mr. Mealer's fall on June 30, 2015; and

k. Negligently did not institute appropriate procedures to make sure that Mr. Mealer, who was at a high risk to fall, was constantly monitored to prevent him from falling while a patient of Parkridge.

30. In addition, the Defendant, Parkridge, was negligent in failing to develop the appropriate fall risk evaluation procedures to prevent falls of very high risk patients.

31. Despite the fact that Mr. Mealer had numerous risk factors which placed him at high risk for falling such as confusion, impulsive behavior, unsteady gait, impaired mental status, impaired safety awareness, impaired situation awareness, and impairment of his critical thinking, the nurses and/or employees of Parkridge did not institute measures to prevent Mr. Mealer from falling. Furthermore, Mr. Mealer was at high risk for falling due to the high risk medications he was taking while a patient of Parkridge. Furthermore, Mr. Mealer was at high risk for falling because he was suffering from diarrhea.

32. Despite being aware of these numerous risk factors, the Defendant, Parkridge, did not institute appropriate measures to monitor Mr. Mealer closely, and to document that he was being monitored closely. Parkridge failed to have in place appropriate procedures to prevent high risk patients from falling. Parkridge should have had in place appropriate interventions for high risk patients. These, includied increased monitoring, placement of the patient in close proximity to the nurse's station, constant monitoring of the patient, or any other measures which were appropriate under the circumstances.

IV. Damages

33. As a direct and proximate result of the negligence of the Defendant, Mr. Mealer suffered serious injuries including paraplegia.

34. As a direct and proximate result of the negligence of the Defendant, Mr. Mealer has become disabled and dependent upon others for care. He requires assistance in all activities of daily living. He has incurred substantial medical expenses and continues to suffer greatly, both physically and emotionally. He has undergone much mental pain and suffering, and has loss of enjoyment of life as a result of the negligence of the Defendant. His life has been adversely and permanently altered as a result of the Defendant's negligence.

35. As a direct and proximate result of the negligence of the Defendant, Mr. Mealer has incurred and will continue to incur significant medical expenses and expenses necessary for him to maintain himself reasonably in the future. Mr. Mealer has also suffered loss of enjoyment of life, mental anguish, pain and suffering, and other general damages.

V. Prayer for Relief

36. Wherefore, the Plaintiff, Barry Lynn Mealer, demands of the Defendant compensatory damages of Five Million ($5,000,000.00) Dollars.

37. Wherefore, the Plaintiff respectfully demands a jury and reserves the right to amend the Complaint should the Court permit same to conform to the evidence as it develops.

37. Plaintiff has complied with the notice requirements of Tennessee Code Annotated §29-26-121(a), and an Affidavit and copies of the notices are attached hereto documenting compliance with the Statute. Notice was filed at least sixty (60) days before this suit was filed. A HIPPA-compliant medical authorization was supplied to the Defendant. A Certificate of Good Faith is attached hereto in compliance with Tennessee Code Annotated §29-26-122. Since a notice was given pursuant to Tennessee Code Annotated §29-26-121, the statute of limitations is extended one hundred twenty (120) days.

Respectfully submitted, this ____ day of July, 2016.

s/ W. Holt Smith
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